DOCUMENT RESUME

ED 442 336 HE 032 908

AUTHOR	Gill, Brian P.
TITLE	The Governance of the City University of New York: A System at Odds with Itself.
INSTITUTION	Rand Corp., Santa Monica, CA.
SPONS AGENCY	New York City Office of the Mayor, NY.; William and Flora Hewlett Foundation, Palo Alto, CA.; J. M. Kaplan Fund, New York, NY.; John M. Olin Foundation, Inc., Alton, IL.; David and Lucile Packard Foundation, Los Altos, CA.
ISBN	ISBN-0-8330-2822-7
PUB DATE	2000-00-00
NOTE	76p.; Research also conducted by the Council for Aid to Education under contract to the Mayor's Task Force on the City University of New York. Additional funding was provided by the Achelis Foundation, the Bodman Foundation and the Starr Foundation.
AVAILABLE FROM	RAND Distribution Services, 1700 Main Street, P.O. Box 2138, Santa Monica, CA 90407-2138. Tel: 310-451-7002; Fax: 310-451-6915; e-mail: order@rand.org.
PUB TYPE	Reports - Evaluative (142)
EDRS PRICE	EDRS Price MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS	*Administrative Organization; Administrator Responsibility; *College Governing Councils; *Governance; Governing Boards; *Government School Relationship; Higher Education; Institutional Autonomy; Multicampus Colleges; Organizational Effectiveness; *Policy Formation; Politics of Education; *Public Colleges; Remedial Programs; Resource Allocation; State Government; Universities
IDENTIFIERS	*City University of New York

ABSTRACT

This study, conducted for the Mayor's Advisory Task Force on the City University of New York (CUNY) in 1998 and 1999, was charged with reviewing and making recommendations regarding: (1) the uses of city funding by CUNY; (2) the effects of open admissions and remedial education on CUNY's capacity to provide high-level college courses; (3) third-party remediation services prior to admission; and (4) implementation of other reform measures as appropriate. Separate chapters of the report provide an historical overview; examine the authority and functions of the Regents of the University of the State of New York; examine the composition and responsibilities of the CUNY Board of Trustees and its central decision-making functions; examine the structure of the university colleges, collegiate independence, and the failure of university-wide academic planning; and examine the college governance structure. A concluding section sets forth recommended reforms, including: the need for central leadership combined with local autonomy, with each college accountable for its outcomes; the need for consensus at the top levels of university governance; and clarification of the relationship between the board and elected officials, with elected officials playing a significant role in the definition of the institution's mission and structure. A section on methodology is appended. (Contains 60 references.) (CH)

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The Governance of the City University of New York

A System at Odds with Itself

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ISBN: 0-8330-2822-7

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Published 2000 by RAND
1700 Main Street, P.O. Box 2138, Santa Monica, CA 90407-2138
1333 H St., N.W., Washington, D.C. 20005-4707
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PREFACE

This research was conducted for the Mayor's Advisory Task Force on the City University of New York (CUNY), an advisory group established by New York City Mayor Rudolph W. Giuliani in May 1998. The task force was charged with reviewing, examining, and making recommendations regarding: (1) the uses of city funding by CUNY, (2) the effects of open admissions and remedial education on CUNY and on CUNY's capacity to provide college-level courses and curricula of high quality to its students, (3) the best means of arranging for third parties to provide remediation services to ensure that prospective CUNY students can perform college-level work prior to their admission to CUNY, and (4) the implementation of other reform measures as may be appropriate.

The task force asked RAND Education and the Council for Aid to Education (a subsidiary of RAND) to provide independent research and analysis on several aspects of its mission. This report examines CUNY's governance structure, how it contributes to the university's problems, and how it might be changed to improve performance. The RAND study was designed to provide the task force the information and analysis it needs to make recommendations to the mayor on the future course of CUNY.

CONTENTS

Preface iii

Figures and Tables vii

Summary of Findings ix

Acknowledgments xi

Acronyms and Abbreviations xiii

Chapter One
INTRODUCTION 1
Historical Overview 1
A Snapshot of CUNY and Its Colleges Today 4
Formal Channels of Authority at CUNY 10
Organization of This Report 12

Chapter Two
THE REGENTS OF THE UNIVERSITY OF THE STATE OF NEW YORK 15
Program Registration 16
Institutional Policy Approval 16
Institutional Policy Approval: Analysis 17
Conclusion: The Influence of the Regents, Past and Future 17

Chapter Three
THE CUNY BOARD OF TRUSTEES AND CENTRAL ADMINISTRATION 21
Composition and Appointment of Trustees 21
Formal Functions of Board and Chancellor 22

The Division of Central Decisionmaking at CUNY 23
Analysis: The Dysfunctionality of Central Decisionmaking at CUNY 24
Conclusions 26

Chapter Four
A VIEW OF THE COLLEGES FROM THE CENTRAL ADMINISTRATION 29
The Formal Structure of the University 29
The Culture of Collegiate Independence 30
The Failure of CUNY-Wide Academic Planning 31
The Goldstein Report 31
The Response at the Colleges 33
The Academic Program Planning Policy 34
Analysis: A Retreat from Universitywide Planning 35
Conclusion 36

Chapter Five
A VIEW FROM THE COLLEGE PRESIDENTS' OFFICES ... 39
The Formal Structures of College Governance 39
Analysis: Procedural Obstacles 40
Analysis: Faculty Entrenchment 41
Analysis: The Norm of Equality 43
Conclusion 45

Chapter Six
RECOMMENDATIONS 47
Central Leadership and Local Autonomy: Accountability for Outcomes 47
The Necessity for Consensus at the Top 51
Reform of CUNY's External Accountability Structure 52

Appendix
A. Methodology 55
B. Imputing SAT Scores 59

Bibliography 63

FIGURES AND TABLES

Figures

1. Proportional Enrollment Change, 1992–97 6
2. CUNY Six-Year Graduation Rates for 1991 Bachelor's Degree Entrants 9
3. CUNY Six-Year Graduation Rates for 1991 Associate's Degree Entrants 9
4. Formal Channels of Authority at CUNY 11

B.1. Relationship Between RAT Total Score and SAT-V . . . 61
B.2. Relationship Between MAT Total Score and SAT-M . . 61

Tables

1. The Colleges of CUNY (1997 Figures) 5
2. Mean FSAT and Imputed SAT Scores by Degree Sought and College, for Students Entering in Fall 1997 7

B.1. FSAT-to-SAT Cross-Walk 60

SUMMARY OF FINDINGS

The City University of New York (CUNY) has a system of governance that is dysfunctional from the top to the bottom. Battles for leadership among CUNY's stakeholders have become increasingly rancorous. Lines of responsibility are tangled and poorly defined. CUNY colleges often act more like independent institutions than complementary members of a system. The independence of the colleges, however, fails to lead to improvement, because incentives for institutional and individual performance are weak.

Although structural problems plague many university systems around the country, CUNY's appear to be especially severe. Policymakers are demanding improvement in CUNY's performance of its educational mission, but they should be aware that substantial improvements in educational outcomes are unlikely to be achieved and sustained without basic reforms of governance.

ACKNOWLEDGMENTS

I had considerable assistance in the research and writing of this report from RAND staff, the Mayor's Advisory Task Force, and members of the CUNY community. First thanks must go to Roger Benjamin, leader of the RAND project team and executive director of the task force. Steve Klein and Maria Orlando provided some of the substantive material for this report, calculating estimated SAT scores for incoming students at the various CUNY colleges, as well as informing me about the appropriate analytical uses of those scores. Mary Kim collected and organized vast quantities of data about CUNY. Other RAND staff who gave research support and valuable feedback on the work were Jim Hundley and Amy de Cillia in the New York office of the Council for Aid to Education. Tracy Jenkins put the document into the appropriate publication format. Internal reviewers Tora Bikson and Maryann Gray provided thoughtful and incisive commentary on drafts of this document.

Early drafts also benefited from the reviews of task force staff members Sally Renfro, Allison Armour-Garb, and Miriam Cilo. Most of the dozens of stakeholders I interviewed, including officers of the New York State Board of Regents and the New York State Education Department; members of the CUNY Board of Trustees; administrators at the university, college, school, and department levels; and faculty members, must remain unnamed to protect their anonymity. Nevertheless, this study could not have been undertaken without their cooperation; I am grateful for their time and their candor. I am happy to thank by name two members of the CUNY central office

staff: Deputy Chancellor Patricia Hassett and Ruth Weisgal, who helpfully provided essential access to various of CUNY's legal documents, records, and databases.

ACRONYMS AND ABBREVIATIONS

APP	Academic Program Planning
CCE	Certificate of Continuous Employment
CUNY	City University of New York
FSAT	Freshman Skills Assessment Test
GSUC	Graduate School and University Center
MAT	Mathematics Assessment Test
PSC	Professional Staff Congress (faculty union)
RAT	Reading Assessment Test
SAT	Scholastic Assessment Test
SUNY	State University of New York
WAT	Writing Assessment Test

Chapter One

INTRODUCTION

Increasingly, elected officials are demanding that public universities demonstrate productivity and efficiency in their use of public funds. New York City is no exception to this trend; Mayor Giuliani has taken the lead in asking that the City University of New York (CUNY) improve its performance (see, e.g., Arenson, 1998a).

The performance of a system of higher education depends at least in part on the efficacy of its structure of governance. For the purposes of this report, governance will be defined broadly as including not only the traditional academic decisionmaking procedures related to curriculum, research, and faculty personnel, but also the organizational decisions of administrators, the policy decisions of the university trustees, and the oversight of statewide educational authorities. It includes the structure of authority, accountability, and incentive relationships from the New York State Board of Regents to the employment contracts of individual faculty members. Although effective governance is not sufficient to guarantee ultimate success in achieving positive educational outcomes, it is surely necessary. If CUNY is to satisfy public demands for improvement, it requires a system of governance that promotes both productivity and efficiency in its educational enterprise. The primary objectives of this report are to explain CUNY's governance structure and describe how that structure hinders the achievement of positive educational outcomes. In addition, the report makes tentative suggestions about how governance might be reformed to reduce obstacles to performance.

HISTORICAL OVERVIEW

The City University of New York is a collection of higher education institutions that were joined together as a single university in 1961.

Although CUNY is less than 40 years old, some of its constituent colleges have much longer histories. The oldest, City College, dates back to 1847, when it was established by the New York City Board of Education as the Free Academy of New York (see Traub, 1994). The year 1970, when the university established the principle of open admissions for graduates of New York City high schools, was a watershed in CUNY's history. Open admissions led to dramatic changes in the population of students enrolled. As intended, the policy increased the proportion of minority students at CUNY; but it also dramatically increased the population of students who were unprepared for college-level work. Since 1970, remediation has been a major part of CUNY's educational program (Renfro and Armour-Garb, 1999). The open admissions policy is commonly misunderstood: although it guarantees admission to CUNY as a whole, it does not guarantee admission to any particular college; several senior colleges set their own admissions standards above the minimum university-wide requirements. Nevertheless, the egalitarian norm behind open admissions is one of CUNY's most notable characteristics. As we will see below, the norm of egalitarianism influences not only student admissions, but also relationships among colleges and treatment of faculty.

A second watershed occurred a few years later, when the city and the university faced a fiscal crisis. City College and the other colleges that followed it operated, until the mid-1970s, free of tuition and fully funded by the city of New York. In 1976, the university was forced to begin charging tuition and to accept a greater degree of funding (and control) from the state. Today, tuition and state funding each contribute more to CUNY's budget than does the city (Pricewaterhouse-Coopers, 1999).

In the 1990s, CUNY's decisionmakers have focused on restructuring, retrenchment, and remediation. Ann Reynolds, former administrator at California State University, was installed as chancellor of CUNY in 1990. According to some accounts, Reynolds was the first chancellor who tried to run CUNY as a coherent system rather than a confederation of essentially independent colleges. A plan to reduce duplication of efforts and increase mission differentiation among the colleges was spelled out, in late 1992, in what became known as the Goldstein Report. It was met with resounding opposition, and Reynolds was forced to scale back her attempt to bring the colleges under the control of the university's central administration. Chapter

Four discusses Reynolds's attempt at centralization, the reasons it failed, and the implications for the general structure of CUNY governance.

The restructuring debate of the early 1990s was motivated in part by a perennial budget crunch. State and city appropriations for CUNY have declined steadily in real terms in the 1990s. Tuition has risen, but not fast enough to cover the declines in appropriations. In consequence, real per-pupil expenditures have eroded. Retrenchments and early retirement incentives have taken a toll on the faculty (see, e.g., Weiss, 1990; Jones, 1995). Between 1990 and 1992, the total number of full-time faculty at CUNY declined from 6608 to 5809. After rebounding to 6112 two years later, faculty strength declined again to 5524 in 1995. In net, in five years, full-time faculty strength declined by 16.4 percent while enrollment was increasing by 2.5 percent. Meanwhile, faculty salaries were eroding and the university's reliance on part-time faculty was increasing.[1]

In the late 1990s, the focus of university leadership has shifted from retrenchment to remediation—in part, to be sure, out of concern for the expense of providing large numbers of remedial courses, but also as a result of a perception that academic standards at CUNY are too low. Students entering CUNY are relatively underprepared for college. According to CUNY's own standards, based on scores on its Freshman Skills Assessment Tests (FSATs), 78 percent of all entering freshmen in 1997 needed remediation as a result of deficiencies in math, reading, or writing (Mayor's Advisory Task Force on the City University of New York, 1999). This included 72 percent of entering students at senior colleges and 87 percent of entering students at community colleges. Estimated Scholastic Assessment Test (SAT) scores of students entering the various CUNY colleges are reported below.

In 1995, aiming to reduce the university's remedial course load, the CUNY Board of Trustees mandated a one-year maximum on the amount of time a student in a senior college could spend in basic skills courses. At the same time, the trustees imposed new high school course work requirements for students wishing to be admitted to the senior colleges. The board's desire to raise standards has

[1]Unless stated otherwise, all CUNY-related data in this report were provided by CUNY and were collected, tabulated, and organized for RAND by Mary Kim.

also been apparent in its willingness to use the FSATs for purposes beyond their original function, which was to certify students who wished to move into the upper division of bachelor's degree programs (Mayor's Advisory Task Force on the City University of New York, 1999). In May 1997—only a few days before graduation ceremonies—the trustees, apparently believing that they were merely reiterating an existing requirement, decreed that associate's degree students at the community colleges would be required to pass the writing portion of the FSAT (the Writing Assessment Test, or WAT) in order to graduate. This decision—which led to negative publicity and a lawsuit—is discussed in detail in Chapter Three. The controversy undoubtedly hastened the departure of Ann Reynolds, who resigned as chancellor later that summer (see Arenson, 1997a).

In May 1998, with a sharply divided vote, the Board of Trustees commanded the phase-out of all remedial course work in bachelor's degree programs. It reaffirmed this decision in January 1999, setting a timetable that would abolish remediation from the bachelor's degree programs at four colleges by January 2000, at five more by January 2001, and at the last two bachelor's-degree-awarding colleges by January 2002 (Mayor's Advisory Task Force on the City University of New York, 1999). The controversy over the fate of remediation represents a deep division among CUNY's stakeholders about the purposes of the university. In particular, some members of the Board of Trustees and some of the political leaders responsible for CUNY believe that, at the senior colleges, open admissions has failed and requirements must be raised. Many of CUNY's stakeholders, however, remain strongly committed to open access at the senior colleges as well as the community colleges.

A SNAPSHOT OF CUNY AND ITS COLLEGES TODAY

Today, CUNY is the largest urban university system in the country, with 200,000 students enrolled at its various campuses. Among all university systems, only California State University and the State University of New York (SUNY) are larger. CUNY views itself as an avenue of upward mobility for immigrants and minorities, for low-income students, and for first-generation college-goers. Nearly half of CUNY's entering students were born outside of the United States; over 70 percent are nonwhite.

Table 1 indicates the various two-year, four-year, hybrid, and graduate institutions comprising CUNY. The community colleges grant associate's degrees, the senior colleges grant bachelor's (and some master's) degrees, the hybrid colleges grant both associate's and bachelor's degrees, the law school grants J.D. degrees, and Ph.D. degrees are awarded only by the Graduate School and University Center (GSUC).

Table 1

The Colleges of CUNY (1997 Figures)

College and Date of Establishment	Enrolled	Racial & Ethnic Minorities (%)	Associate's Degrees Awarded	Bachelor's Degrees Awarded	Graduate Degrees Awarded
Community colleges					
Borough of Manhattan CC (BMCC) (1963)	16,141	90	1,937		NA
Bronx CC (1957)	7,600	96	863	NA	NA
Hostos CC (1970)	4,177	98	491	NA	NA
Kingsborough CC (1963)	15,218	52	1,611	NA	NA
LaGuardia CC (1968)	10,925	80	1,453	NA	NA
Queensborough CC (1958)	10,299	63	1,145	NA	NA
Senior colleges					
Baruch College (1968)	15,071	71	NA	1,989	779
Brooklyn College (1930)	14,964	50	NA	1,543	798
City College (1847)	12,083	90	NA	1,454	851
Hunter College (1870)	19,689	59	NA	1,686	1,049
Lehman College (1968)	9,283	87	NA	1,224	366
Queens College (1937)	16,381	43	NA	2,137	805
York College (1966)	6,030	92	NA	794	NA
Hybrid colleges					
College of Staten Island (1955)	12,023	29	380	955	401
John Jay College of Criminal Justice (1964)	10,834	76	49	1,191	193
Medgar Evers College (1968)	5,063	96	112	258	NA
New York City Tech (1946)	11,124	86	1,264	200	NA
Graduate institutions					
Graduate School and University Center (GSUC) (1961)	3,963	35	NA	176	607
Law School (1983)	467	37	NA	NA	146
CUNY total	**201,185**	**71**	**9,305**	**13,607**	**5,995**

Figure 1 shows CUNY enrollment trends for 1992–97. Some of CUNY's colleges—notably John Jay, with a 35 percent increase between 1992 and 1997—have robust enrollment trends. But City College, witnessing a 23 percent decline in enrollment over the same period, is having great difficulty attracting students. Across the university as a whole, enrollment is declining: spring 1999 enrollment at CUNY was 9 percent below the level of five years earlier (Arenson, 1999a).

Most of the students that CUNY attracts are relatively unprepared for college. RAND researchers Stephen Klein and Maria Orlando have estimated SAT-score equivalents for entering students at CUNY based on those students' scores on the math and reading components of the CUNY FSAT. (The methodology is described in Appendix B.) Table 2 shows scores on the CUNY Mathematics Assessment Test (MAT) and the CUNY Reading Assessment Test (RAT), as well as imputed SAT scores, for incoming students at each CUNY college. Imputed SAT scores make it possible to compare the preparation of CUNY's incoming students to that of other college-going students nationwide.

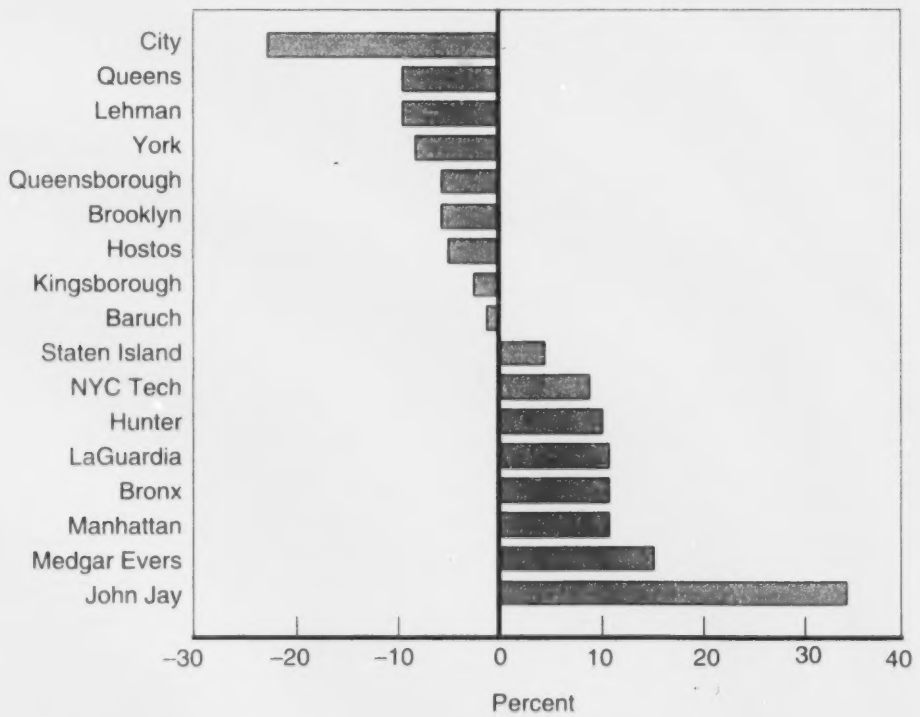

Figure 1—Proportional Enrollment Change, 1992–97

Table 2

Mean FSAT and Imputed SAT Scores by Degree Sought and College, for Students Entering in Fall 1997

Degree/College[a]	CUNY RAT	CUNY MAT	Imputed SAT Verbal	Imputed SAT Math	Imputed SAT-V + SAT-M
Bachelor's degree					
Baruch	33	32	464	501	965
Hunter	33	31	460	483	943
Queens	32	30	461	481	942
Brooklyn	31	29	449	479	928
Staten Island	33	30	453	472	925
City College	30	30	440	479	919
John Jay	31	26	438	426	864
York	28	27	410	441	851
Lehman	28	25	407	410	817
Associate's degree					
Staten Island	31	24	438	422	860
Medgar Evers	28	22	415	403	818
Queensborough	27	23	409	409	818
Manhattan	27	23	405	411	816
Kingsborough	28	22	411	404	815
NYC Technical	27	23	400	408	808
John Jay	28	21	411	389	800
LaGuardia	25	22	390	398	788
Bronx	23	18	374	366	740
Hostos	20	16	328	340	668

[a]Results are reported for each degree/college combination with over 50 students.

Nationwide, the median student taking the SAT in 1998–99 scored 510 on the SAT Verbal and 510 on the SAT Math, for a total score of 1020.[2] The mean imputed SAT score of entering students at Baruch College, who had the highest test scores in the CUNY system, placed them in the 40th percentile of all SAT-takers nationwide. The mean imputed scores of bachelor's degree students at three CUNY colleges and associate's degree students at every CUNY college were below the 25th percentile nationally. Students entering associate's degree programs at two CUNY colleges had test scores in the bottom 10 percent of SAT-takers across the country.

[2]These statistics can be found on the College Board's website at http://www.collegeboard.org/sat/html/admissions/stats/stat001.html.

Community colleges generally aim to educate students who were not at the top of their high school classes. CUNY in particular views its mission as serving students with academically disadvantaged histories. Nevertheless, the levels of preparation of incoming students suggested by these scores have become a matter of considerable public concern in New York. Even CUNY's most selective senior colleges clearly have difficulty attracting well-prepared students; not one college enrolls a student body that is consistently above the national average. At several of the community colleges, test scores indicate a level of student preparation implying a task for the colleges that is nothing short of Herculean.

Unfortunately, graduation rates suggest that many of CUNY's colleges are not succeeding in moving their students into the ranks of the college educated. According to figures provided by CUNY, six-year graduation rates from the bachelor's degree programs vary from a high of 40 percent to a low of 20 percent (with a CUNY-wide average of 30 percent) (see Figure 2). These figures compare to a national average graduation rate at public colleges of 37 percent in six years (Astin et al., 1996). Thus, some CUNY colleges are graduating their students at rates comparable to their peer institutions nationwide, but many of CUNY's colleges achieve graduation rates far below the national average. In the associate's degree programs, the disparity across CUNY's colleges is just as dramatic: six-year graduation rates range from a high of 34 percent to a low of 13 percent (with a CUNY-wide average of 26 percent, including 3 percent who earned a bachelor's degree instead of an associate's degree) (see Figure 3).[3]

As the imputed SAT scores suggest, some of these variations in graduation rates are attributable to variations in the preparation of incoming students. Nevertheless, preparation does not fully explain the variation in graduation rates: the charts suggest that intercollegiate graduation rates vary dramatically even among colleges with similarly prepared incoming students. (To be sure, other factors beyond the control of the colleges may also explain some of the variation in graduation rates.) Moreover, the colleges at the low end of the scale are graduating too few students by any measure. CUNY's colleges should not be expected to graduate students at the same rate as elite private colleges, of course. Indeed, CUNY's commitment to

[3]Figure 3 calculations include associate's degree entrants who finished with a bachelor's degree as well as those who finished with an associate's degree.

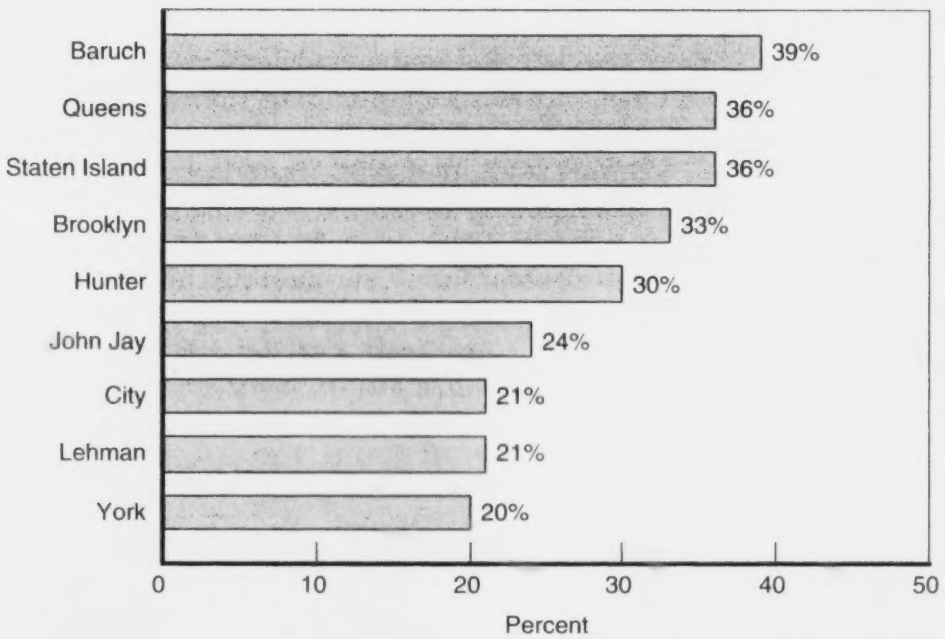

Figure 2—CUNY Six-Year Graduation Rates for 1991 Bachelor's Degree Entrants

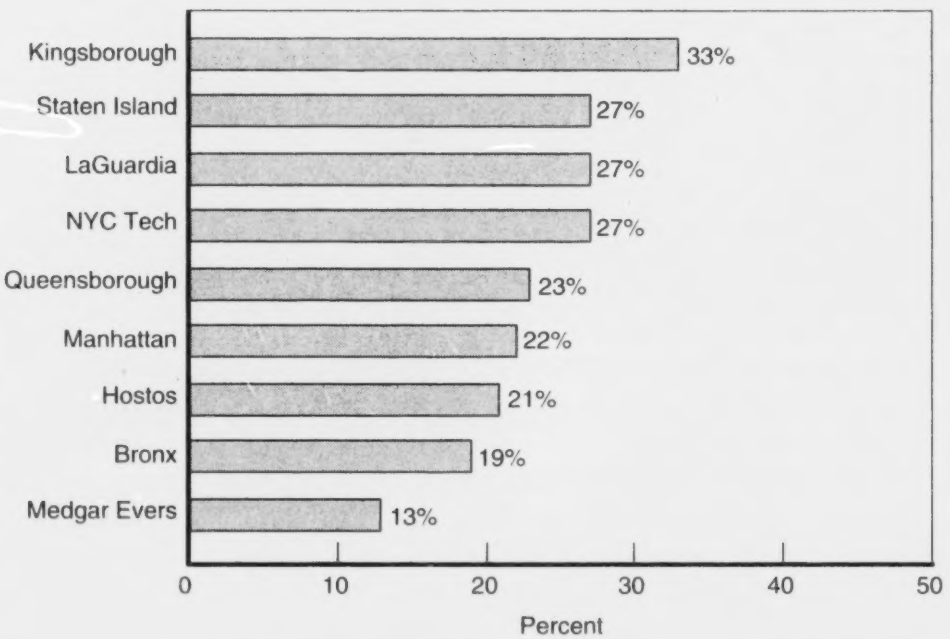

Figure 3—CUNY Six-Year Graduation Rates for 1991 Associate's Degree Entrants

open access requires it to admit many students who have a relatively low likelihood of graduating. But students who will not ultimately graduate should be given a strong signal about their prospects in their first semesters at college so that they can direct their efforts elsewhere. CUNY's annual retention rates, however, suggest that many students remain enrolled for many years without ever graduating.[4] For too many of these students, open access is a false promise. A college that graduates only one-fifth of its entering students within six years is not serving those students well. Most students go to college to advance their economic prospects, but they will receive little economic benefit from higher education unless they earn degrees (Grubb, 1996).

It would be inappropriate to judge collegiate performance entirely by a measure as crude as graduation rate. Unfortunately, more-sophisticated measures of institutional health are generally unavailable, because data on educational outcomes at CUNY are almost nonexistent. Nevertheless, the picture suggested by the statistics above is supported by the impressions of observers of and participants in the system. Although some CUNY colleges are succeeding, others are deeply troubled. In the words of a former CUNY administrator, "On any measure of performance, CUNY maximizes the variance" (interview).[5] Understanding why CUNY's colleges do not consistently perform well requires an understanding of the governance system of the university.

FORMAL CHANNELS OF AUTHORITY AT CUNY

As evident in the organizational chart shown in Figure 4, CUNY's formal governance structure is complex. While the CUNY Board of Trustees has broad authority over policy at CUNY, it is subject (in various ways) to four different higher authorities: the governor, the

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[4]Among 1988 bachelor's degree entrants to CUNY, 40 percent had earned a bachelor's degree or an associate's degree after eight years; 60 percent had not earned degrees (and, after eight years, were unlikely to earn degrees). Many of these students, however, had remained enrolled for several years prior to dropping out, though they would never earn a degree. Over 90 percent of entrants were still enrolled a year later, and 72 percent were still enrolled two years later (City University of New York, 1998c).

[5]This quotation comes from one of the many interviews I conducted in person or by telephone during the study. As in this particular case, many interviewees chose to remain anonymous. All materials obtained in interviews are credited as such. See Appendix A for more information.

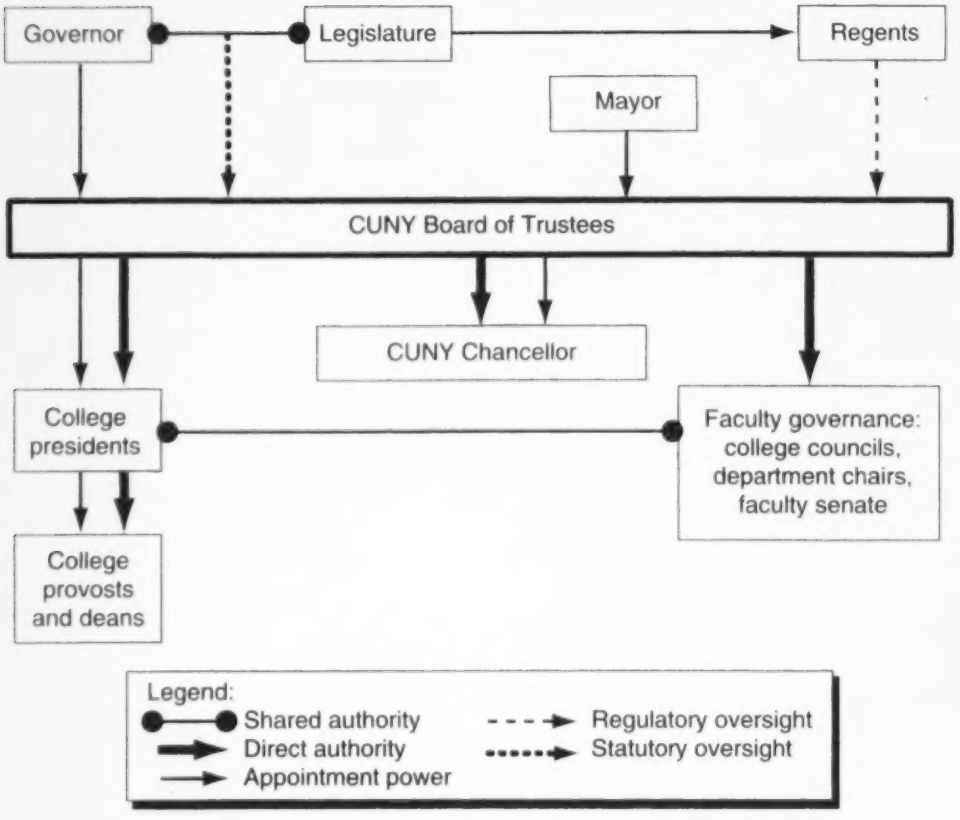

Figure 4—Formal Channels of Authority at CUNY

state legislature, the mayor, and the New York State Board of Regents. As we will see in the chapters that follow, the governor and mayor appoint the majority of the members of the board. The regents have authority to oversee and approve certain kinds of board decisions. And, at the most fundamental level, the legislature and governor jointly have the power to make basic changes in CUNY's governance structure by amending the New York State Education Law through which CUNY is established. This report describes CUNY's governance structure as it exists under current statutes. It should be remembered throughout that any part of this structure could be changed through amendment of the state education law.

CUNY's governance structure is in fact even more complex than Figure 4 suggests. The figure does not include authority for setting CUNY's budget. Most of CUNY's funding is provided by the state and the city (the rest comes from student tuition), which gives the

governor, the legislature, and the mayor another avenue of authority. This report does not discuss budgeting in detail, because budgeting is directly addressed in two other reports of the Mayor's Advisory Task Force (PricewaterhouseCoopers, 1998; PricewaterhouseCoopers, 1999).

Figure 4 also understates the complexity of CUNY's governance structure because it implicitly assumes that the Board of Trustees is a unified decisionmaking authority. As we will see in Chapter Three, the board consists of 17 members who are not appointed by a single authority and who often disagree among themselves.

CUNY's governance is also complex below the level of the Board of Trustees. Both the systemwide chancellor and the presidents of the various colleges are appointed by and report to the board, as we will see. In addition, faculty have power independent of the college and university administrations, including the authority to elect their department chairs.

Indeed, the sheer complexity of CUNY's governance structure is one of its most important features. Administrators at CUNY serve many masters, as does the board itself. As Figure 4 makes clear, lines of accountability are tangled rather than unified. Chapters Three, Four, and Five demonstrate in some detail that CUNY's governance structure hampers the exercise of strong leadership.

ORGANIZATION OF THIS REPORT

As noted in the opening paragraph, this report has three objectives. First, the report maps and describes governance relationships at CUNY. Second, the report attempts to explain how the structure impedes the efficient functioning of the university and the colleges. Third, the report suggests a few institutional reforms that might help to remedy some of the problems.

The report is organized according to the formal hierarchy of governing authority at CUNY. It begins (in Chapter Two) by discussing the extent to which CUNY is subject to oversight by the New York State Regents, who have supervisory authority over all educational institutions in the state. Chapter Three proceeds to the university's leadership, analyzing the relationship between the Board of Trustees and the university administration. Chapter Four examines the extent and character of the university's (and particularly the chancellor's)

authority over the constituent colleges. Finally, in Chapter Five the report moves on to the college level, discussing the formal structures of collegiate governance and the obstacles, from above and below, to strong collegiate leadership. Following the analysis of CUNY's institutional structure, Chapter Six concludes the report by discussing a few institutional reforms that might lead to improvements in the performance of CUNY's colleges.

The study was undertaken through extensive document reviews and interviews involving multiple levels of CUNY's governance structure, from the regents and the State Department of Education, through the CUNY Board of Trustees and the university central administration, to the individual colleges, schools, and departments. Details about the individuals interviewed and the documents reviewed are provided in Appendix A.

Chapter Two

THE REGENTS OF THE UNIVERSITY OF THE STATE OF NEW YORK

The City University is subject to the regulatory power of the Regents of the University of the State of New York. The regents are elected by the state legislature, and they choose a commissioner of education to run the State Education Department, which is the administrative arm of the regents (N.Y. Educ. Law secs. 202, 302). The regents and the State Education Department are therefore largely independent of the governor of the state of New York.

The regents have unusually broad authority, because the University of the State of New York (not to be confused with the State University of New York, or SUNY) is defined to include not only the public university systems of CUNY and SUNY, but all educational institutions in the state, public and private, from prekindergarten through graduate school (see N.Y. Constitution, Art. XI, sec. 2). The major constraint on this broad authority is the regents' inability to allocate funds: their own budget and the budget of the State Education Department are allocated by the state legislature in conjunction with the governor. They have no control over CUNY's budget, either, which is funded from tuition, city revenues, and state funds allocated by the legislature and governor (see PricewaterhouseCoopers, 1999).

While the regents lack the power of the purse, they nevertheless possess tools that can have a significant impact on CUNY: the power to register programs and the power to approve certain kinds of policy changes.

PROGRAM REGISTRATION

All degree programs offered by public and private institutions of higher education in the state of New York must be registered with the regents (N.Y. Educ. Law sec. 210; Regulations of the Commissioner of Education sec. 52.1). An institution that wishes to establish a new degree program must seek the regents' approval. Generally, program approval is routine; the regents do not often disapprove a new program proposed by a registered institution (interviews). Nevertheless, the regents' program approval process, administered by the State Education Department, imposes additional bureaucratic hurdles and delays for CUNY colleges seeking to establish new programs (interviews).

In the summer of 1998, the regents established new standards for teacher education programs across the state, undertaking a significant departure from the routine registration process. Specifically, beginning in 1999, the continuing registration of each education program in the state depends on whether 80 percent of the program's recommended graduates pass the state teacher exam. Programs not meeting this standard will be threatened with closure (see Regents Task Force on Teaching, 1998).

CUNY operates teacher education programs at eight colleges. In 1997–98, only one of the eight programs (the one at City College) had a pass rate in danger of falling below the 80 percent threshold. But the regents have announced their intention to make the certification exams more challenging. Moreover, they may begin applying the standard to all graduates of the education programs, rather than only graduates who have been "recommended" by their colleges (Arenson, 1999b). If so, some CUNY officials believe that several of the university's education programs will be in danger of deregistration unless they show dramatic improvement (interviews).

INSTITUTIONAL POLICY APPROVAL

Every public and private institution of higher education in the state of New York must submit a master plan to the regents every four years. The regents have statutory authority to review the master plan of every institution, and that authority is specifically defined to include the master plan of CUNY (N.Y. Educ. Law sec. 237). Institu-

tional master plans must be consistent with the regents' Statewide Plan for Higher Education, which is issued every eight years (N.Y. Educ. Law sec. 237; see also New York State Board of Regents, 1996).

The master plan requirements at CUNY and SUNY are more specific than those at other institutions of higher education. The state education law requires CUNY's master plan to include a number of particular policy dimensions, including plans for new curricula, new facilities, and changes in admissions policies (N.Y. Educ. Law sec. 6206).

INSTITUTIONAL POLICY APPROVAL: ANALYSIS

The CUNY Board of Trustees' decision to exclude remedial students from the senior colleges created a conflict between the university and the regents about the scope of the regents' authority (see Arenson, 1998c). Following the board's action, the regents and officers of the State Department of Education publicly asserted their authority to review this decision, while CUNY argued that the decision was not reviewable by the regents. The two sides had differing interpretations of provisions of the state education law and regulations of the State Department of Education (see N.Y. Educ. Law secs. 237(2), 6206(3); Laws of 1995, Chapter 82, sec. 137; New York State Department of Education, 1996). Ultimately, the dispute was rendered moot when the regents approved the board decision in November 1999. Nevertheless, the very existence of the dispute reinforces the point made by the diagram of CUNY's governance structure (Figure 4, above): lines of authority at CUNY are tangled and overlapping.

CONCLUSION: THE INFLUENCE OF THE REGENTS, PAST AND FUTURE

For the last several decades, the regents have been largely irrelevant to decisionmaking at CUNY. Most of their attention has been focused at the K–12 level (interviews with members of the Board of Regents; see also McCall, 1998), where they also have broad authority under the state constitution and education law (see N.Y. Constitution, Art. XI, sec. 2; N.Y. Educ. Law sec. 207). Even the new teacher education standards were largely motivated by their interest in im-

proving K–12 schooling. Moreover, CUNY's decisions have been approved routinely, though the regents' review process imposes procedural costs on the establishment of new programs.

But the regents may be transforming themselves from a procedural hurdle into a force to be reckoned with in higher education. A new activism by the regents would be consistent with national trends—around the country, state boards of higher education have become more entrepreneurial over the past decade (Epper and Russell, 1996). At least some of the regents hope to focus more of their attention on higher education in the near future (interviews with regents). Through the State Education Department, they have already expressed their intention to review CUNY's plans to change admission standards in the senior colleges (see Arenson, 1998c). Their interest in higher education is evident not only in their attention to changes at CUNY and their imposition of new standards for teacher education programs, but also in dramatic fashion in a recent intervention at Adelphi University, where in 1997 they removed the board of trustees for mismanagement.[1]

To be sure, the regents are unlikely to attempt anything so ambitious at CUNY. Their authority over CUNY is in one important respect inferior to their authority over private universities such as Adelphi. New York's private universities are corporations established by charters that the regents grant. The state education law makes clear that "the regents may remove any trustee of a corporation created by them for misconduct, incapacity, neglect of duty, or where it appears to the satisfaction of the regents that the corporation has failed or refuses to carry into effect its educational purposes" (N.Y. Educ. Law sec. 226.4). But CUNY (like SUNY) was not established by a charter granted by the regents; instead, it was created by the state legislature and written into statute (N.Y. Educ. Law sec. 6201). As a result, the kind of extraordinary action undertaken at Adelphi could be performed under comparable circumstances at CUNY only by the state legislature, not by the regents. While the role of the regents with re-

[1]Adelphi is a private university on Long Island. Between the mid-1980s and mid-1990s, enrollment dropped dramatically while the board repeatedly approved large increases in the president's salary. The regents stepped in and removed the board for mismanagement, appointing a new board that immediately fired the president (Halbfinger, 1998).

spect to CUNY is somewhat more limited than it is with respect to private institutions, the role of the legislature is larger.

Nevertheless, the potential influence of the regents over CUNY is substantial. If the new outcome standards for teacher education programs become the model for the regents' activity in the higher education realm, the regents may exercise increasing influence over CUNY. Moreover, their reforms in K–12 schooling in New York may have an indirect influence at CUNY. In November 1997, the regents established new statewide requirements (to be imposed gradually over the next several years) under which all students must pass five subject-matter Regents examinations in order to graduate from high school.[2] As noted in Chapter One, large numbers of incoming CUNY students now require remedial course work as a result of inadequate preparation in high school (Mayor's Advisory Task Force on the City University of New York, 1999). The preparation of incoming students may, however, improve substantially if the regents' new high school graduation requirements are effective.

In sum, the regents possess both direct and indirect avenues of authority that could have a significant impact on CUNY in the near future. The extent of their direct authority, however—as evident in the dispute over remediation—remains unclear.

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[2]See the new graduation requirements on the New York State Education Department's website at http://www.nysed.gov/rscs/gradreq.html/. The new course requirements are not substantially different from those already required by the New York City public schools, but the testing requirements go well beyond local expectations.

Chapter Three

THE CUNY BOARD OF TRUSTEES AND CENTRAL ADMINISTRATION

As discussed in Chapter One, CUNY is an amalgam of different kinds of colleges, many of which operated as independent units until they were confederated to create CUNY in 1961. Prior to 1961, the city's Board of Higher Education was responsible for the governance of these independent colleges, but there was no central administration or chancellor with administrative responsibilities for the various campuses. The former Board of Higher Education is now the CUNY Board of Trustees. When the university was established in 1961, a central administration was created, including the position of chancellor.

COMPOSITION AND APPOINTMENT OF TRUSTEES

CUNY is a creature of state law; the process of appointment of board members is defined in the New York State Education Law. The composition of the board was reformulated in the mid-1970s, when the state accepted a larger share of financial responsibility in the wake of the near-bankruptcy of New York City (see PricewaterhouseCoopers, 1999, for an explanation of the sources of CUNY's revenue). Today, the board includes 17 members: ten trustees are appointed by the state governor "with the advice and consent of the senate," five trustees are appointed by the mayor of New York City "with the advice and consent of the senate," one trustee is the chair of the university's student senate, and one trustee, without a vote, is the chair of the university's faculty senate (N.Y. Educ. Law sec. 6204).[1]

[1]The faculty trustee is not permitted to vote, because the faculty at CUNY are unionized. According to differing (but perhaps complementary) reports, either (a) the

At CUNY, both the mayoral appointments and the gubernatorial appointments must include "at least one resident of each of the five boroughs of the city of New York" (N.Y. Educ. Law sec. 6204). Otherwise, the law imposes no requirements on the qualifications of members of the board. In particular, the law does not attempt to ensure that trustees have a measure of independence from their appointing authorities (an independence considered desirable for most university boards). Today, three members of the board work for departments of the city of New York, and several others have close connections with city government.

Once appointed, CUNY's trustees have some structural insulation from politics. First of all, they serve relatively lengthy terms: seven years, renewable for seven more. Second, the governor and mayor cannot remove trustees with whom they disagree on matters of policy. Trustees may be removed from the board (by the authority who appointed them) only for misconduct, neglect of duties, or mental or physical incapacity. The appointment of the chair and vice-chair of CUNY's board, by contrast, is a matter of direct political accountability: trustees serve in those positions at the pleasure of the governor (N.Y. Educ. Law sec. 6204).

In practice, some CUNY trustees have continued to serve long after their terms officially ended, because the elected officials in charge of appointments failed to appoint replacements. A few years ago, the terms of more than half of the serving trustees were beyond their expiration dates (Newman, 1994). Recently, the governor and mayor have devoted more attention to CUNY and appointed a significant number of new trustees.

FORMAL FUNCTIONS OF BOARD AND CHANCELLOR

The New York State Education Law defines the formal functions of the CUNY Board of Trustees and the chancellor as well as the appointment process. First of all, the law clearly grants the board educational authority over CUNY, announcing that "the board of

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union opposed giving a vote to the faculty trustee because collective bargaining rights might be lost if the faculty were considered part of CUNY management; or (b) the state legislature did not want to give a unionized faculty member a vote on collective bargaining issues, because a conflict of interest would result (interviews). The union is discussed further in Chapter Five.

trustees shall govern and administer the city university. The control of the educational work of the city university shall rest solely in the board of trustees which shall govern and administer all educational units of the city university" (N.Y. Educ. Law sec. 6204). The law further enumerates the particular responsibilities of the board to encompass the university's facilities, faculty appointments, budgets, degrees, programs, and courses (N.Y. Educ. Law sec. 6206). Meanwhile, the law adds that the chancellor, appointed by the board, "shall be the chief educational and administrative officer of the city university and . . . shall serve at the pleasure of the board of trustees" (N.Y. Educ. Law sec. 6206). The powers of the board are thus defined far more extensively and specifically than those of the chancellor.

THE DIVISION OF CENTRAL DECISIONMAKING AT CUNY

At most universities, while boards are ultimately responsible for major policies, the chancellor is expected to exercise leadership, implementing policy by pursuing a clearly defined university mission endorsed by the board. The relative responsibility for defining the university mission differs at different institutions; in recent years, trustees at many institutions, including CUNY, have taken a more active role in setting policy agendas.

Historically, the CUNY board largely followed the lead of its chancellors (interviews). Ann Reynolds was appointed chancellor by a board that was committed to the university's tradition of open access and willing to follow her lead in most matters. By the mid-1990s, however, a number of new board members were not content to be led by the chancellor and wished to move the university toward a new emphasis on high academic standards. Not surprisingly, conflicts arose both in substantive policy and leadership style. The trust between the administration and the board eroded as trustees began to perceive that they were being manipulated and denied access to information. Ultimately, the level of distrust grew so great that the board felt the need to gather information about university operations using nonadministration sources (interviews).

The board's frustration with the chancellor's leadership was augmented by a growing sense that the administration was ineffective in executing board policy across the university. As the relationship between board and chancellor evolved from one of cooperation to one of competition, the joint decisionmaking process was poisoned.

The process reached its nadir in May 1997, when the board was surprised to discover that students were about to graduate from Hostos Community College without having passed the CUNY Writing Assessment Test (WAT). The WAT is given to all incoming students at CUNY to evaluate whether they need remedial education in writing. Some colleges, including Hostos, established policies (with board approval) requiring passage of the WAT before a student could advance into required English courses (Mayor's Advisory Task Force on the City University of New York, 1999). Some members of the board apparently came to believe that they had established a university policy making passage of the WAT a requirement for graduation. Unbeknownst to the trustees and the chancellor, in 1995–96 Hostos substituted other measures to permit students to move out of remedial courses and into the general curriculum. Five days before the 1997 commencement ceremony, the board announced that students at Hostos would not be permitted to graduate unless they passed the WAT. Approximately 125 students did not graduate as a result (interviews; Mendez v. Reynolds, 174 Misc.2d 647, 665 N.Y.S.2d 402 (1997); Arenson, 1997a; Arenson, 1997b).

ANALYSIS: THE DYSFUNCTIONALITY OF CENTRAL DECISIONMAKING AT CUNY

The provisions for appointment and removal of CUNY's board members are fairly typical and unobjectionable. Political officials are generally expected to be in charge of the appointment of trustees, who are then protected from arbitrary removal on the grounds that boards should be stable and independent guardians of the public trust. Political selection of the chair and vice-chair (at CUNY, by the governor), however, is unusual: according to the Association of Governing Boards (interview), a more common pattern involves election of officers by the members of the board themselves. The governor's authority to appoint and remove officers of the board increases their direct political accountability but undermines their independence. It is not clear whether this feature of CUNY's governance has positive or negative effects on the performance of the board. On one hand, an excessively politicized environment increases the difficulty of recruiting highly qualified trustees, who will value a measure of independence. On the other hand, increased political accountability may help to overcome institutional inertia.

By the same token, the absence of protections of trustee independence is potentially problematic. The appointment of New York City (or New York State) employees to the board creates the opportunity for considerable backdoor political influence, because their appointing authority is also their boss. Again, this undermines the traditional independence of the board while increasing political accountability.

The subservience of the chancellor to the board is unexceptional, as is the board's ultimate authority over broad policy decisions. Nevertheless, it is worth pointing out that these statutes do not clearly define limits to the operational role of the board. In most universities, boards are granted wide general powers over basic policy matters, as they are at CUNY. But at most universities, the role of the board is presumed (implicitly if not explicitly) not to extend to matters that are essentially administrative details. At CUNY, by contrast, the board's enabling statute repeatedly declares not only that the board will "govern," but also that it will "administer" (N.Y. Educ. Law secs. 6204, 6206). In short, the roles of the board and the chancellor are not clearly differentiated in the statute. Indeed, the endorsement of the board's "administrative" authority leaves the role of the chancellor ambiguous.

In recent years, the deteriorating relationship between the board and the chancellor reduced the effectiveness of both. The WAT incident suggested that the chancellor and board were poorly informed not only about practices at the colleges but also about their own policies. The poor working relationship and growing disagreement about the university's goals made Reynolds's continued service as chancellor untenable; she left CUNY a few months after the Hostos debacle. Regardless of whether the articulation of a university's broad goals is initiated by the chancellor or by the board, effective leadership of the institution requires agreement between the board and the chancellor about those goals (see DiBiaggio, 1996).

Today, despite the fact that nearly all of the top university officials of the Reynolds administration have departed, a healthy, working relationship between board and administration has not been fully restored. The effectiveness and trustworthiness of the university administration remain in doubt for some members of the board (interviews).

Frustrated by the perceived ineffectiveness or intransigence of university administrators (both during the Reynolds administration and since), trustees have tried to take on more of the responsibility of running the university (interviews). Even some members of the board agree that the board devotes too much time to administrative details. For example:

- On more than one occasion, the board has argued over descriptions of individual courses, holding up the approval of programs and challenging faculty control over course content.
- Mundane matters such as personnel actions and contracts for computers and photocopying have consumed significant amounts of trustees' time and energy; this is encouraged by a law requiring board approval for all expenditures over $20,000 (N.Y. Educ. Law sec. 6218).
- In the pursuit of academic standards—an appropriate arena of board activity—board committees have mandated use of a particular set of standardized tests despite unresolved concerns about the validity of the tests. (In this instance, the board's frustration may have resulted directly from a dispute about the tests among high-level university administrators.)

The board may be able to get out of the business of administering the university now that a permanent chancellor has been appointed (in July 1999). After the departure of Ann Reynolds, CUNY operated under an interim chancellor for two years because it had difficulty finding qualified candidates for the permanent position. One potential chancellor who declined to be considered for the position suggested that this difficulty was due in part to the aggressiveness of the board's efforts to administer the university (interviews; Arenson, 1998b).

CONCLUSIONS

CUNY's leadership has been caught in a vicious circle: the trustees began intervening because they lost confidence in the chancellor, but their intervention undermined the chancellor's effectiveness and later made it harder to recruit a qualified replacement.

The shortage of qualified candidates for the position of chancellor may have been partly attributable to the perception that elected of-

ficials have excessive influence in university decisionmaking. As noted above, several members of the CUNY Board of Trustees work for the city of New York. Some observers believe that elected officials (especially the mayor) have used their influence to undermine the traditional independence of the board (interviews; Arenson, 1998b). This perception was reinforced by the board's decision, consistent with a proposal of the mayor (see Arenson, 1998a), to exclude students in need of remedial work from the senior colleges; all of the mayor's appointees supported the proposal.[2]

Perhaps the largest obstacle to the hiring of a chancellor, and the most serious disability of the Board of Trustees, was the lack of consensus among the trustees about the fundamental mission and goals of the university. Most observers—including several members of the board itself—agree that the board is deeply divided. The clearest public indication of this division was the decision to remove remedial courses from the senior colleges, which passed the board with the bare minimum number of votes necessary for a policy change. Some observers perceive as many as four or five distinct factions on the board. The board has no forum specifically designed to promote consensus among its members and to permit them to frankly discuss ultimate ends.

In sum, CUNY's leadership has not functioned properly. Many members of the board continued to lack confidence in the administration even after purging it, and this lack of confidence encouraged the board to undertake administrative tasks rather than focusing on broad policy issues. Administration, however, should properly be the task of the chancellor and other administrative officers hired by the board for that purpose; trustees are selected not for their expertise as administrators, but to settle large issues of educational policy. In practice, while the board has been heavily engaged in administration, it has made only limited and painful progress in matters of major policy because its members lack consensus on the university's fundamental goals.

On the other hand, very recently there have been signs of progress. The governor appointed to the board a new chair and a new vice-

[2]This is not to say that elected officials should have no influence in the university's governance structure. The essential roles of elected officials in CUNY's governance are addressed in the last section of Chapter Six.

chair, both of whom were also members of the Mayor's Advisory Task Force for which this report was written. The new board leadership promptly brought the long search for a permanent chancellor to a conclusion. In July, Matthew Goldstein, former president of Adelphi University and CUNY's Baruch College, was unanimously approved by the board as CUNY's new chancellor, with the explicit endorsement of the governor and mayor. In short, for the first time in years, the governor, the mayor, and all of the members of the board have reached agreement on an important policy decision. Moreover, board members have pledged to avoid micromanaging and to let the new chancellor carry out the administration of the university (Arenson, 1999c). This may be the first step toward restoring a healthy relationship between the board and the administration.

Chapter Four

A VIEW OF THE COLLEGES FROM THE CENTRAL ADMINISTRATION

The willingness of the CUNY Board of Trustees to act as administrators derived in significant part from a perception that the university administration was ineffective. The controversy over community college graduation requirements seemed to vindicate this perception, as the administration admitted that it was unaware of changes in practice made by individual colleges. Apparently, the university leadership had little knowledge about or control over the actions of individual colleges. Although personality conflicts and errors of judgment may play a role in the weakness of the university's central decisionmaking, this chapter argues that the central weakness is also attributable to the structure, history, and culture of the relationship between the colleges and the university.[1]

THE FORMAL STRUCTURE OF THE UNIVERSITY

CUNY's constitutional documents do not establish a strong central authority, instead making clear that the central administration has only limited power over the various colleges. First, the bylaws of the Board of Trustees explicitly limit the chancellor's authority "with the understanding that the authority, functions, and appellate powers of the presidents with regard to the educational administration and disciplinary affairs in their several colleges will not be abridged" (sec. 11.2). Reinforcing the point, the board's Manual of General Policy

[1] Personal assessment of individual players in the drama is not the purpose of this report, which aims to assess deeper, structural questions.

declares that "the focus of major decision-making is properly at the college level" (p. 289). Finally, the bylaws further establish that the college presidents report directly to the board, rather than reporting through the chancellor (sec. 4.2). (Note that at the University of California, the University of Texas, and other state systems, the college heads are responsible to the university's chief executive officer.)

Indeed, the limitation on central authority over the colleges is not just a matter of the board's desire to constrain the chancellor and central administration. The state legislature has further institutionalized the autonomy of the colleges—constraining not only the university administration but also the CUNY board. By statute, the state allocates funds separately to each senior college; once funds are allocated, the university board and administration may not adjust the collegiate allocations by more than 3 percent (N.Y. Educ. Law sec. 6206). And despite the board's broad authority over educational policy at CUNY, it may not close any of the colleges without the express approval of the state legislature (sec. 6206).

THE CULTURE OF COLLEGIATE INDEPENDENCE

The strong protection of collegiate autonomy in both state law and the board's bylaws reflects the history and culture of the university. CUNY was not created out of whole cloth. Many of the constituent colleges (including, most prominently, Brooklyn, City, Hunter, and Queens) existed independently before the City University was established in 1961. College presidents and faculty regard CUNY as a loose confederation rather than a unified system (interviews).

One example of the culture of collegiate independence can be found in the university's long-standing struggles to establish CUNY-wide articulation agreements. Despite frequent attempts by the board and the central administration to streamline transfer between CUNY's community and senior colleges (Chancellor's Advisory Committee on Articulation and Transfer, 1993), the system is far from seamless. Transfer agreements must be reached one by one between individual departments, because faculties fiercely protect their right to grant credit for courses taken in other colleges. In some cases, it is easier for a CUNY community-college graduate to transfer to a four-year college outside of CUNY than to another CUNY college (interviews).

A second—and quite dramatic—example of the culture of collegiate independence is the recent proposal (motivated in part by CUNY's request to the colleges to think creatively about responses to the new policy on remediation) by two college presidents to consolidate Queens College and Queensborough Community College into a "University at Queens." This would involve even greater autonomy from the authority of CUNY, including the establishment of non-consortial doctoral programs housed on the campus rather than centrally at the CUNY Graduate School and University Center (GSUC).

Although the University at Queens proposal is unusually bold, it represents a broader consensus: college presidents and faculty expect that most of the important decisions about educational policy will be made at the campuses, rather than centrally.[2]

THE FAILURE OF CUNY-WIDE ACADEMIC PLANNING

The power of the colleges with respect to the central administration is perhaps best illustrated by the story of the most ambitious attempt to centralize power at CUNY in the last quarter-century. According to some accounts, Ann Reynolds was the first CUNY chancellor who tried to run the university as a system rather than a confederation of independent colleges. In the critical realm of academic planning, she initiated a major effort to establish strong central leadership in 1992. That effort produced a number of measurable changes in the operation of the university but ultimately did not succeed in establishing the central administration (or the board) as the arbiter of universitywide academic priorities.

The Goldstein Report

In a time of shrinking resources, elected officials began to suggest that the university should demonstrate a commitment to the efficient use of public funds. The Reynolds administration believed that this would require CUNY to act more like a system—by setting academic priorities, consolidating duplicative, under-enrolled pro-

[2]No judgment is implied here about the merits of centralized vs. decentralized decisionmaking. For the moment, the point is merely descriptive.

grams, and demanding greater differentiation of the missions of the various colleges. In March 1992, Reynolds appointed an Advisory Committee on Academic Program Planning consisting of four college presidents and six distinguished professors and chaired by Leon Goldstein, president of Kingsborough Community College. The Goldstein committee was asked to advise the administration "in the formulation of a central planning effort" (in Reynolds's words) to increase collaboration across colleges, protect core missions and academic quality, increase efficiency, and preserve student access (Chancellor's Advisory Committee on Academic Program Planning, 1992, p. 2). In December 1992, the committee issued its report, which became known as the Goldstein Report.

The report noted that shrinking resources made academic planning imperative: between 1988–89 and 1992–93, full-time equivalent enrollment at CUNY increased by 8.7 percent while state and city funding declined by 17.5 percent (Chancellor's Advisory Committee on Academic Program Planning, 1992, p. 11). Nevertheless, the committee believed that coordinated planning could make the cuts less painful and even provide the means of improvement, announcing that "if CUNY could conceive of itself and act as a *unified* institution, it would have opportunities that are not available to it within the current context of the rigidly defined boundaries surrounding each college" [emphasis in original]. It argued that "opportunities may exist . . . to enhance the vitality and the quality of each of the colleges and, at the same time, to allocate program resources more effectively to meet the educational needs of the City and the State." These opportunities might be realized, the Goldstein committee believed, "(1) by concentrating and differentiating program offerings among the several colleges and the university, (2) by strengthening and developing programs in specific areas, and (3) by improving our ability to share scarce program resources, including full-time faculty." In sum, the report advocated "envisioning the university less as a community of wholly discrete organisms and more as a single complex organism" (p. 3).

In several "areas of significance to the City and the State," the committee suggested expansion of university offerings: notably mathematics and science teaching, various health programs, and some language and ethnic studies programs (p. 23). The bulk of the report, however, was devoted to proposals to consolidate programs

that were considered unnecessarily duplicative. It suggested that while some programs must be available close to students' homes, for others "it is reasonable to assume students will travel beyond their home communities to attend" (p. 25). A hundred pages of the report were devoted to specific (tentative) suggestions for the abolition or consolidation of degree programs at various campuses across the university, in dozens of fields ranging from philosophy to accounting, from physics to secretarial science.

These changes would necessarily involve a considerable shift of power from the campus level to the university level. Central coordination was essential for making the consolidations work, so that the university as a whole could continue to offer a wide variety of programs, even if each college would not offer every major. The committee argued that "greater scrutiny and direction, within a framework of strategic planning, should be applied to the development, expansion, and review of new and existing programs at all degree levels in the university and to the strategic management of the university's enrollments across its various programs" (pp. 23–24). Universitywide information systems would have to be developed or improved for registration, financial aid, enrollment, courses offered, and degree programs. Articulation of courses across colleges would have to be improved. A common course-numbering system would have to be implemented. In short, the Goldstein Report contemplated greater centralization of planning than had ever been seen at CUNY.

The Response at the Colleges

The report met a firestorm of resistance (interviews; see also Traub, 1994; Newman, 1992; Newman, 1993). Although it was intended to be only a starting point for discussion of possible program consolidations—specific recommendations were tentative, prior to a more intensive review proposed by the committee—faculty perceived the report as the product of an autocratic decision process imposed by the administration without adequate consultation at the campus level. The report was criticized for the crudeness of its analysis, which depended largely on an examination of the number of students majoring in various programs, without considering service courses for nonmajors or other, non-enrollment-based criteria of

performance. The committee's assumption that many students could commute to other campuses for some of their courses was derided as hopelessly unrealistic, given the distance between campuses and the job and family commitments of students. Because a number of the consolidation recommendations were directed at programs in the liberal arts, many critics perceived the report as an assault on liberal education, especially at campuses with large enrollments of racial and ethnic minority students. And, not least important, the report threatened faculty jobs. In short, the college faculties vociferously opposed the central administration's effort to set university-wide priorities, to make the university work more like a system, and to reduce some of the independence of the colleges.

The Academic Program Planning Policy

In the face of strong internal opposition, the university administration decided in the summer of 1993 to back away from the more ambitious recommendations of the Goldstein Report (interviews; Weiss, 1993). Instead, the administration proposed a new Academic Program Planning (APP) policy, which was adopted by the Board of Trustees in June 1993 (City University of New York, Board of Trustees, 1993). As adopted by the board, the APP resolution went out of its way to respect the autonomy of the colleges. It began by noting that "the next phase of academic planning will substantially depend upon campus initiatives within established governance procedures," adding that "the Board of Trustees endorses the continuation, and where needed, initiation or intensification, of campus-based planning, program review and program development activities." In substance, the resolution required "that all academic programs be subject to a formal, periodic review procedure, including both self-study and external assessment."[3] The following spring, the board approved more specific guidelines for the review procedure (City University of New York, 1994). These guidelines required an assessment of every program in the university at least once every ten years. Reviews must include assessments of student outcomes, courses

[3]CUNY's colleges are also subject to occasional reviews by a regional accrediting agency, the Middle States Association. These reviews, however, were not frequently mentioned by my interviewees as an instigator of significant changes at CUNY.

offered and enrollments, resources, faculty activity, satisfaction of students and alumni, and external recognition. Notably, however, the guidelines placed responsibility for the reviews squarely with the colleges, "under the leadership of the College President and in accordance with the College governance plan."

The university's APP policy has initiated some serious thinking about priorities at the college level. Each college has instituted program review procedures (beyond those required by regional accrediting agencies), and the colleges have chosen to close a number of weak programs: between 1993–94 and 1997–98, under the pressure of budget cuts, the university closed 174 programs. The total number of programs offered at the university declined by 6.7 percent (from 1371 to 1279) between 1993 and 1998. All programs are now subject to regular review, and 40 percent of programs CUNY-wide—514 in all—were reviewed in the first four years after the establishment of APP guidelines (City University of New York, 1998a). Finally, some colleges have used the process to clarify their own academic priorities and more sharply define their missions (interviews).

ANALYSIS: A RETREAT FROM UNIVERSITYWIDE PLANNING

The closure of 174 programs suggests that the APP policy has made a difference. Prodded by the new policy and budget cuts, CUNY's colleges successfully identified dying programs that could be closed. But the APP policy lacks the teeth to induce the kind of dramatic changes envisioned by the Goldstein committee. The weakness of central academic planning is implicit in the "reward" process put in place to encourage the colleges' APP efforts. When funds were available for additional faculty lines, the central administration allocated a few positions each year to colleges it regarded as successful in implementing APP priorities (interviews). But the criteria for performance were not clearly understood by the colleges, the total number of lines available as a reward was never substantial, and a norm of egalitarianism soon compelled the university to distribute the lines broadly among the colleges, rather than continuing to reward colleges that consistently showed progress toward implementing APP priorities (interviews; see also PricewaterhouseCoopers, 1998).

The commitment to egalitarianism among colleges is powerful at CUNY. The central administration has never attempted to reallocate faculty lines from one college to another on the basis of successful implementation of APP objectives or other measures of performance.[4] Indeed, the central administration's inability to set priorities among the colleges is perhaps most clearly evident in the history of its budget requests to the state. Ten years of budget requests show no attempt to reallocate funds among colleges: not once in the last decade did the university administration request a reduction of funds for even one of the 17 community and senior colleges (see the Chancellor's Budget Requests, 1988–89 through 1998–99). To be sure, this pattern is not unique among universities or agencies of government. Nevertheless, it suggests that resources do not follow performance at CUNY.

The role of the university leadership—both administration and board—in academic planning is far less significant than originally envisioned by the Goldstein committee. Even when a few APP lines were available for performance, the lines were awarded in the service of college plans, not CUNY plans. The university leadership has chosen to encourage the efforts of the colleges, rather than lead the way in setting universitywide priorities. While this may lead to improvements at some colleges, the fact that planning decisions are made at the colleges means that the university has no mechanism to make comparative evaluations of programs across colleges.

CONCLUSION

In sum, CUNY does not today operate as a system in which collaboration is expected, redundancies are discouraged, and colleges are evaluated on a common metric in the service of universitywide goals. Although the independence of the colleges may have countervailing benefits, it creates large obstacles to central leadership. Moreover,

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[4]At the community colleges, budget and faculty lines are significantly dependent on enrollment; senior-college budgets and faculty lines are based largely on inertia (PricewaterhouseCoopers, 1998). A "base-level equity" formula introduced in 1994–95 has allocated some lines to senior colleges with growing enrollment (City University of New York, 1995). The university is now developing a performance-based budgeting proposal that may ultimately make a difference in this regard (PricewaterhouseCoopers, 1998).

the university administration's inability to reallocate resources among the colleges translates into an inability to reward performance and discourage failure. In consequence, colleges are not given strong incentives to perform, and much of the benefit that might be associated with decentralized, college-based autonomy is lost.

Chapter Five

A VIEW FROM THE COLLEGE PRESIDENTS' OFFICES

The absence of strong central authority and the absence of systematic incentives for the colleges to achieve are coupled with significant structural obstacles constraining leadership at the college level. Although college presidents have considerable power to thwart the initiatives of the university administration, this does not mean that they have wide latitude to execute their own plans.

THE FORMAL STRUCTURES OF COLLEGE GOVERNANCE

The wide variation in the performance of CUNY's colleges (apparent in the graduation statistics reported in Chapter One) is not attributable to wide variation in collegiate governance structures. The formal governance structures at the various CUNY colleges are not strikingly dissimilar to each other. Although each college has its own constitutional governance document, those documents are approved by the Board of Trustees, which has established a general model of college governance in its bylaws. Variations from that model are not great. Each college is governed by a faculty council, which consists of the college president, deans (if any), department heads, one additional faculty representative from each department, and additional at-large delegates (Bylaws sec. 8.7). College presidents are appointed by the CUNY board and may be removed by the board. The president is described by the bylaws as "an advisor and executive agent of the board." Vice presidents, provosts, and deans (positions that vary at different colleges) serve at the pleasure of the president. Department heads, by contrast, are elected by departmental faculty for re-

newable three-year terms (Bylaws sec. 9.1.b).[1] The sole exception to this rule is at the Graduate School and University Center (GSUC), where the heads of each doctoral program, known as executive officers, are appointed by the president of the GSUC (Bylaws sec. 9.4). The department is considered to be the primary locus of control over matters of curriculum, but the college faculty council has authority to approve new programs and courses (Bylaws sec. 9.1.a).

Just as the collegiate governance structures have a great deal in common, the obstacles to collegiate performance, and especially to presidential leadership, are fairly universal across CUNY. Presidents are subject to constraints from both above and below. These obstacles, described in interviews with presidents and faculty at a number of colleges (or apparent in CUNY's governance documents), can be classified in three groups: burdensome process requirements, faculty inertia, and a cultural norm of equality.

ANALYSIS: PROCEDURAL OBSTACLES

The procedural burdens on the colleges begin with the process of establishing new programs. The creation of a new program requires the approval of not only the college's own governance structure, but also the CUNY administration and board, and finally the regents. The university's Office of Academic Affairs recently imposed a limit of two new programs to be considered for approval at each meeting of the board, which means that, on average, each college will have only one new program per year considered for approval. These burdens have created the incentive for some colleges to maintain programs that have no students, in an attempt to avoid the bureaucratic hassles associated with reestablishing a program if interested students should appear.

Second, the processing of applications for undergraduate admission is centralized at the university level and is slow. Assignment to a

[1] While department heads are elected at many universities, they are appointed by administrators (deans or presidents) at many others. A tradeoff between democratic decisionmaking and strong administrative authority is implicit in the mechanism chosen for selection of department heads. CUNY's mechanism favors democracy. Although this surely imposes some constraints on presidential leadership, few presidents or deans at CUNY complain about the election of department heads.

particular college does not occur until the Freshman Skills Assessment Tests (in reading, writing, and math) are scored; scoring of the writing test (the WAT) takes a considerable amount of time. Some colleges believe that they lose students to non-CUNY competitors that admit students more quickly and recruit students more personally.

The CUNY Research Foundation, which administers faculty research grants, is another central bureaucracy (formally independent of the university administration). It imposes substantial procedural burdens on faculty who are doing funded research. Moreover, in the judgment of many faculty, the Research Foundation provides an unacceptable level of service. Fortunately, the university is now considering reforms suggested by an external management review of the Research Foundation.

ANALYSIS: FACULTY ENTRENCHMENT

At all universities, the pace of change and the possibilities for bold leadership are constrained by the fact of faculty tenure. At CUNY, a number of factors contribute to greater than average faculty entrenchment. First of all, CUNY faculty earn tenure fairly rapidly, after five years—as defined in both the bylaws (Bylaws sec. 6.2) and the state education law (N.Y. Educ. Law sec. 6212). Nationally, nearly 70 percent of tenure clocks run longer than this; the most common time frame for tenure is seven years (National Center for Education Statistics, 1996, Table 4.3).[2] Not surprisingly, the proportion of CUNY professors who are tenured—82 percent—is higher than the national average of 71 percent at comprehensive public institutions (in 1992) (National Center for Education Statistics, 1997). The disparity is especially prominent among assistant professors, for whom the tenure rate at CUNY is 44 percent, compared to an average of 20 percent at public institutions nationally (in 1995–96) (National Center for Education Statistics, 1998, Table 240).[3] Similarly, CUNY

[2]At public comprehensive universities nationwide, 84 percent of tenure clocks run longer than five years, the most common period is six years, and 40 percent run seven years or more (National Center for Education Statistics, 1996, Table 4.3).

[3]At CUNY, tenure is conferred with reappointment to a sixth year of service, while promotion to associate professor is a separate decision (interviews).

lecturers earn Certificates of Continuous Employment (CCEs)—giving them virtual tenure—after five years (Bylaws sec. 6.4). Of CUNY's full-time lecturers, 86 percent have CCEs. In sum, an unusually high proportion of CUNY's teaching staff have lifetime positions.

Moreover, the university's retrenchment rules constrain presidents' ability to remove unproductive faculty members even in times of fiscal austerity. Within departments, faculty must be retrenched in order of seniority; the college's academic priorities are irrelevant. Again, this is required by the bylaws and by the state education law (sec. 6212).[4] To be sure, many universities have great difficulty removing faculty members in times of retrenchment. Across-the-board cuts are more common than selective cuts designed to maintain academic priorities, and tenured faculty are rarely dismissed anywhere (Burke, 1998). But at most universities—even those with unionized faculties—administrators have at least limited contractual authority during times of retrenchment to dismiss a tenured faculty member in favor of an untenured faculty member in order to maintain academic priorities (Rhoades, 1993). Selective cuts of tenured faculty members have been achieved in institutions in some states (such as Wisconsin, Texas, and Florida) that had less serious budget problems than those seen in New York (Burke, 1998).

Indeed, the major method CUNY has used to induce changes in faculty personnel in recent years—the early retirement incentive—has only increased the difficulty of maintaining academic priorities. The retirements that follow from the incentives have been unpredictable, sometimes leading to the decimation of important program areas (interviews). Both the retrenchment policies and the early retirement policies undermine efforts to promote campuswide academic priorities and programmatic coherence.

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[4]To be sure, the rapid tenure clock and the existence of the CCE as well as the retrenchment rules may derive in part from the power of the faculty union. Nevertheless, it is important to note that these policies are not merely part of collectively bargained contracts, but are ensconced in the university's bylaws or the state education law.

ANALYSIS: THE NORM OF EQUALITY

Perhaps the leading characteristic of CUNY's institutional culture is a strong commitment to equality. The most prominent representation of this commitment, of course, is the policy of open admissions; but the commitment is clear in many other contexts as well. Across-the-board pursuit of this norm leads, in some circumstances, to unproductive incentives. As we have already seen, egalitarianism applied to the colleges has prevented the establishment of a resource allocation system that rewards performance.

Applied to faculty salaries, egalitarianism creates similar incentive problems. The CUNY wage scale, negotiated through collective bargaining with the faculty union, requires that all professors of the same grade be paid the same salary. At equivalent grades, faculty salaries are the same in the community and senior colleges, for engineers, economists, philosophers, and poets. Neither scholarly productivity nor market demand makes a difference in the scale. This creates serious difficulties in recruiting and retaining high-quality faculty in fields such as business and engineering, where market rates are higher than the scale permits (interviews). These problems have grown more serious in recent years because faculty salaries at CUNY have not kept up with inflation, declining (in real dollars) by 9 percent to 13 percent (depending on rank) between 1990 and 1997. The problem, then, is not only the rigidity of the scale, but a steady erosion of salaries across the board.

One effect of the salary scale constraint appears to be evident in CUNY's doctoral programs. According to rankings of the National Research Council, CUNY has nine doctoral programs ranked among the top 20 in the nation in their fields (Goldberger et al., 1995). Eight of the nine are in the humanities, where market rates for faculty are relatively low.[5] By taking advantage of its ability to draw graduate faculty members from all of its many colleges, CUNY might be able to establish distinguished graduate programs in many other fields. But

[5]The sole exception is chemical engineering, ranked 19th in its field. CUNY's highly ranked doctoral programs deserve recognition. Its success in the humanities is surely attributable not only to low market salary rates, but also to the resources available to scholars of the humanities in New York City, and to the consortial GSUC, which takes advantage of faculty from all of CUNY's campuses.

nationally ranked doctoral programs require competitive faculty salaries.

The new faculty contract attempts to reverse some of the erosion in faculty salaries, installing across-the-board raises of 3 percent effective in February 1998, 4 percent more in May 1999, and 2 percent more in October 1999 (City University of New York, 1998b). It also makes a concession toward recognizing greater salary differentials, authorizing the creation of 50 positions CUNY-wide with salaries higher than the standard pay scale would permit. But the distribution of the positions has been influenced by an egalitarian norm: rather than distributing all of the positions to the fields with highest market salaries, the university is planning to distribute many of the positions by giving one to each college (interviews).

Although the rigidity of the salary scale was a subject of frequent complaint, only a few of the administrators interviewed complained about the unionization of the faculty per se. Indeed, the Professional Staff Congress (the faculty union) supported the recent creation of 50 positions with salaries above the usual scale and agreed to an additional program of one-time $5000 bonuses for excellence—actions that earned the PSC the praise of administrators. Nevertheless, some advocates of change at CUNY perceive the PSC as a powerful force in favor of the status quo. The PSC's focus on the interests of its existing members prevents it from seeing the need for recruiting strong new faculty, according to one interviewee. In addition, several interviewees viewed the faculty union as an exemplar of the culture of egalitarianism, promoting "a mentality that no one is any more meritorious than anyone else" and opposing significant efforts to measure and reward faculty productivity.

At the college level, the norm of equality is also evident in tuition policies. Colleges are not permitted to charge differential tuition even if the demand for their programs would justify it. State law gives the Board of Trustees the power to set tuition rates but requires that "all students enrolled in programs leading to like degrees at the senior colleges shall be charged a uniform rate of tuition, except for differential tuition rates based on state residency" (N.Y. Educ. Law sec. 6206).

CONCLUSION

In sum, at the college level as well as the university level, structural weaknesses and obstacles to strong leadership abound. In the context of (a) the lack of coherent incentives to achieve and (b) constraints from above and below, wide variation in the performance of the colleges should be expected. The colleges that are succeeding are doing so despite the constraints of the system. In too many ways, CUNY's governing structure is characterized by the worst elements of both centralization and decentralization: red tape without coherent leadership.

Chapter Six

RECOMMENDATIONS

This chapter must begin with a caveat: diagnosis is easier than treatment. Although the analysis of the weaknesses of CUNY's governance structure suggests possibilities for reform, results of the changes proposed here cannot be guaranteed. Higher education governance is not an arena in which causes and effects can be clearly identified through carefully controlled experiments. Institutional change generally happens piecemeal and at the margin, rather than systematically; pure models of reform are rarely available for evaluation. In consequence, the reforms suggested here should be regarded as tentative. They are promising alternatives to a dysfunctional status quo.

CENTRAL LEADERSHIP AND LOCAL AUTONOMY: ACCOUNTABILITY FOR OUTCOMES

Reform of governance at CUNY should seek to capture some of the advantages of both centralization and decentralization. Effective decentralization would have the advantage of providing maximum flexibility to the colleges, which are at the center of CUNY's educational enterprise. Some benefits might result from permitting competition among the colleges. Effective centralization can establish comparative standards for the success of the diverse colleges in meeting the goals of the university, the city, and the state, and can create system economies by encouraging the differentiation of collegiate missions that should lead to each college establishing its own comparative advantage in particular fields.

Moving too far in either direction would be imprudent. Total decentralization—breaking up CUNY into entirely independent colleges—would be unwise, because the Graduate School and University Center (GSUC) supports a number of good to excellent doctoral programs that could not be supported individually by any of the colleges. At the other extreme, complete unification (for example, abolishing the presidencies of the colleges in favor of deanships) would move too much authority away from the locus of the educational enterprise, undermining the individual identities of the colleges and reducing their flexibility in responding to students' needs.

But strong, effective university leadership is not incompatible with substantial collegiate autonomy. Centralization and decentralization are not simply opposite poles of a one-dimensional continuum. An effective governance structure would place some functions under central control while most decisions remained decentralized at the college level. The distinction between central and local functions might largely reflect the distinction between means and ends. In particular, the university leadership could establish a governance structure that provides incentives for collegiate performance and permits the colleges to make the administrative decisions leading to high performance, coupling collegiate autonomy with outcome-based accountability. At present, the university attempts to control the colleges largely through process-based accountability mechanisms. Red tape might be reduced and performance might improve if the university shifted toward a system of autonomy with outcome-based accountability.

In brief, a system of autonomy coupled with accountability for outcomes should

- set clear standards for performance,
- provide incentives for performance and disincentives for non-performance, and
- simultaneously reduce bureaucratic obstacles to performance.

Outcome-based accountability is viewed with increasing favor among higher education reformers (see, e.g., Atwell, 1996; Albright, 1998; Anderes, 1995). State legislatures across the country are estab-

lishing standards of performance for their public higher education systems (Burke and Serban, 1998; Christal, 1998). According to a recent survey by the State Higher Education Executive Officers, 38 states now use performance standards (Christal, 1998). By connecting these standards of performance to funding mechanisms, policymakers establish systems of accountability for outcomes (sometimes described as "performance-based funding"). Thirty states are using or plan to use performance indicators in their budgeting process for higher education; eight of these states have established a direct link between performance and funding (Christal, 1998).[1] Experts in higher education hope that this "paradigm shift" will lead to increased productivity in colleges and universities (Albright, 1998).

Examples of outcome-based accountability in New York State are not hard to find. The regents' recent decision to impose outcome standards on teacher education programs across the state was discussed above. The regents have clearly defined the performance goal (an 80 percent passage rate) and have provided a strong incentive to reach the goal (the threat of deregistration), but they have not made procedural demands about how the goal will be reached; those decisions are left to the teacher training institutions. The regents' interest in outcome-based accountability is not limited to teacher education: their latest strategic plan, released in August 1998, announced their intention to set general performance standards for institutions of higher education (Regents of the University of the State of New York, 1998).

Indeed, CUNY's sister system, SUNY, is already headed in this direction, as indicated in recent efforts to compile a sophisticated and comprehensive list of performance variables for individual campuses (SUNY System Provost's Office, 1998). SUNY's efforts suggest that outcome measures of performance need not be excessively blunt or overly simple. To be sure, establishing acceptable outcome measures is not an easy task, because institutions of higher education perform multiple functions aiming at multiple goals (see Mingle, 1997). Both political leaders and the CUNY board should resist establishing singular measures of performance.

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[1] In most states that tie funding to performance, no more than 5 percent of total funding is performance based (Christal, 1998).

Although outcome-based accountability is a relatively new idea in higher education, experts in higher education are beginning to develop sophisticated performance measures (see, e.g., Ewell and Jones, 1996; Alfred et al., 1999).[2] Several characteristics of a system of performance measures are critical to its usefulness:

- Outcome measures should be diverse enough to reflect all of the various services performed for the students, the city, and the state by the university (Atwell, 1996).
- Outcome measures should account for variations in inputs: a college with better-prepared incoming students will produce more successful graduates than a college with ill-prepared incoming students, even if both colleges are doing an equally good job of improving the education of their students. Although controlling for all external factors is not easy, outcome measures should attempt to measure "value added" by the college, accounting for baseline differences in student populations.
- Outcome measures should recognize absolute (value-added) performance as well as performance improvement. If measures recognize only improvement, then colleges already at high levels of performance will be penalized for their success.

CUNY itself has begun to take a few steps toward outcome-based accountability, initiating a "performance-based budgeting process" (described in PricewaterhouseCoopers, 1998) that would provide some rewards to colleges for achieving designated performance targets. If performance is defined in terms of ultimate outcomes, this would be a kind of outcome-based accountability. If performance-based budgeting is to be more effective than prior efforts to set CUNY-wide priorities (e.g., the Academic Program Planning process), it should carry substantial consequences for performance and nonperformance.

Pursued vigorously, collegiate autonomy with outcome-based accountability would require universitywide leadership in the estab-

[2]For community colleges, for example, Alfred and his co-authors propose 14 "core indicators," including student goal attainment, persistence, degree completion rates, workforce placement rate, employer assessment, pass rate on certification exams, transfer rate, and literacy skills (Alfred et al., 1999).

lishment of goals and standards, while authority for the administration of plans to achieve those goals would devolve to the colleges. Accountability for outcomes is unlikely to succeed unless the colleges are given enough autonomy to chart a course toward success. Once universitywide outcome standards are established and incentives to encourage achievement of those standards are put in place, the colleges should be freed from burdens hampering their pursuit of achievement (Atwell, 1996). For example:

- The salary structure should not preclude the hiring of high-quality faculty in scientific and professional fields.
- The tenure clock could be increased to seven years to reduce the proportion of faculty with lifetime positions and to increase faculty achievement incentives.
- Colleges should have incentives to abolish dying programs and to establish valuable new programs.
- Colleges should be permitted to retain funds that they save or earn, whether through administrative efficiency, creative fundraising, or high demand. Programs in high demand could be permitted to increase tuition and invest the additional revenue in program improvements.

Of course, all of these changes will require efforts to achieve acceptance in the university community. Because such reforms threaten the status quo and challenge the norm of equality (among both colleges and individuals), they may inspire opposition. The Reynolds administration's failure to impose reform suggests the importance of including the university community, as much as possible, in the reform effort. Nevertheless, the university leadership should not permit inertia to prevent reform.

THE NECESSITY FOR CONSENSUS AT THE TOP

Setting universitywide outcome standards is impossible without consensus on the purposes of the university. Defining the purposes of the university is surely the most important function of the Board of Trustees. To be sure, the definition of purposes should not be carried out by the board in isolation; the process should be collaborative with the university's other stakeholders—including, most promi-

nently, the faculty and the elected officials who represent the public. But the board has ultimate responsibility for the governance of the university, and it should therefore take the lead in clarifying the university's mission.

Effective leadership by the board requires consensus among the members of the board. Within the board, those in leadership positions must work to create a consensus. This will require, first of all, a willingness to focus on ultimate goals rather than administrative details. It might involve the establishment of procedures designed to encourage dialogue among trustees, such as private weekend retreats during which open discussions can be held. Requirements for open meetings preclude the board from making policy in private, but they should not preclude consensus-building efforts (though care must be taken to ensure that the board is not perceived as engaging in secretive, backroom policymaking).[3]

Moreover, it is essential that the board and university administration work as allies rather than adversaries. The board has taken a significant, positive step in this direction by unanimously appointing a permanent chancellor. The division of responsibility between board and chancellor should be clearly defined (Penney and Chesloff, 1996), and the chancellor should be given wide discretion over administrative matters (Atwell, 1996)—as board members promised when they appointed the new chancellor (Arenson, 1999c). By the same token, the board and university administration should give college presidents wide discretion over administration of their respective colleges. One reform in this direction—already suggested by PricewaterhouseCoopers (1998)—would be to abandon the policy that requires board approval for all expenditures over $20,000. Too much of the board's time is now devoted to minor budgetary details.

REFORM OF CUNY'S EXTERNAL ACCOUNTABILITY STRUCTURE

Finally, the relationship between the board and the elected officials who appropriate its budget and appoint its members should be

[3]If the open-meetings law does preclude all private meetings of the board, then the law should be amended (Association of Governing Boards, 1998; DiBiaggio, 1996).

clarified. It is essential that elected officials, including the mayor, the governor, and the state legislators, play a significant role in the definition of the university's mission and structure. CUNY is a public institution, funded by public money; the public's interest should be represented by its elected officials. Indeed, because CUNY is a creature of state law, reform of its governance structure will in many cases require the active participation of elected officials. To the extent that CUNY's failures derive from fundamental weaknesses in its governance structure, it will be unable to reform itself from within. Elected officials should be expected to take the lead in initiating systemic reforms at CUNY.

In sum, the influence of elected officials is appropriately expressed through their statutory authority to define CUNY's structure and mission, their control over CUNY's budget, and their appointment of trustees. Beyond that, however, at most public universities it is considered appropriate for the trustees to have a degree of independence from the officials who appointed them as they deal with the day-to-day governance of the university (Association of Governing Boards, 1998). Such independence encourages deliberative decisionmaking and creates a stable environment for the university, making it easier to recruit high-quality trustees and administrators. The board's relationships with the administration and faculty are likely to benefit from a degree of independence. The perception of political interference, by contrast, creates instability and lowers morale. The university leadership, including both the board and the administration, may function more effectively in the long term if elected officials are less directly involved in the governance of the university.

In consequence, the mayor and the governor may wish to consider establishing a blue-ribbon process for the appointment of the members of the Board of Trustees. Such a process would involve the creation of independent nominating committees that would recommend highly qualified candidates to the mayor and the governor. Individuals who work for the city or state might be excluded from consideration. Although this would reduce the direct influence of the mayor and the governor on the board, it might have substantial long-term benefits. Given the dysfunctionality of university decisionmaking in recent years, it is understandable that elected officials would lose patience and seek to impose changes directly. But if the

governance reforms suggested here are undertaken, the functioning of the university might improve sufficiently that the elected officials would no longer feel the need to directly influence the board.

Indeed, reform of the trustee appointment process is one of a number of ways in which the external accountability systems imposed on the university might be usefully clarified. As the governance chart shown in Figure 4 of this report demonstrates, the university is procedurally accountable in multiple ways to various organs of government. The city and state share responsibility for allocating funds to the university; the largest share of allocations comes from the state, by agreement of the governor and the legislature. Appointment of trustees is shared by the governor and the mayor. The regents, in contrast, lack the power of the purse but have authority to approve programs and impose standards; the full extent of that authority is a matter of dispute. All of these authorities—governor, mayor, legislature, and regents—are independent of each other, and they frequently disagree about both means and ends in higher education. Reform of this external governance system is beyond the power of decisionmakers at the university. Here again, reform requires elected officials to take the lead. Clarification and simplification of this system through statutory change might permit the CUNY leadership to govern more efficiently.

Across the United States, institutions of higher education are wrestling with failing systems of governance (Benjamin et al., 1993). Although few are as troubled as CUNY, many are experiencing the same kinds of problems at a lower level of intensity. Unified leadership and an independent board are generally recognized as important at all public higher education institutions. Outcome-based accountability, by contrast, is relatively new and untested in higher education—but it is increasingly common, frequently imposed by state legislatures demanding demonstrated results from their public universities. It should be regarded as a promising alternative rather than a guaranteed performer. These reforms have the potential to rationalize and streamline dysfunctional governance structures, giving university leaders a new opportunity to make their leadership effective.

Appendix A

METHODOLOGY

As noted in Chapter One, this project was an intensive case study of CUNY's governance structure, involving document reviews and interviews conducted between September 1998 and April 1999.

Documents reviewed included the New York State Education Law, which defines CUNY's position within the state's system of higher education, its relationship to the New York State Regents and the New York State Education Department, and the responsibilities of the CUNY Board of Trustees, the chancellor, and (to some extent) the college presidents. I also reviewed the regents' regulations and Statewide Plan for Higher Education, which further clarify CUNY's position and obligations to the state. At the university level, I consulted the bylaws and the Manual of General Policy; these documents establish the relationship between the university and its constituent colleges and describe general characteristics of governance structures within the colleges. I also explored the governance plans of individual colleges. The study was further informed by a variety of the university's academic and strategic planning documents produced over the past decade (many of which are included in the bibliography), as well as its annual budget requests to the city and state. In addition, I examined college planning and evaluation documents—some written for the university and some for external accrediting agencies. Finally, I consulted journalistic accounts for contextual purposes. Statistics on enrollments, graduation rates, and test scores were derived from data provided by CUNY.

I conducted interviews in person and by telephone. In each case, prior to the interview I developed a protocol that focused on the

questions of governance most relevant to the individual being interviewed. I have protected the anonymity of interviewees because I wanted to encourage candor. Interviewees included four state-level officials: two members of the New York State Board of Regents who have particular interest in and responsibility for higher education, and two officials of the Higher Education Division of the State Education Department. State-level interviews focused on the historic and future role of the regents and the State Education Department in oversight, program approval, and the setting of standards for CUNY. At the university level, I spoke with six present and former members of the CUNY Board of Trustees, as well as six present and former CUNY-wide administrators. University-level interviews addressed the operation of the board, the relationship between board and administration, and the relationship between university administration and the colleges.

Most of my interviews were conducted at the colleges. I visited nine CUNY colleges: three community colleges, three senior colleges, two hybrids, and the GSUC. At each of these nine colleges, I interviewed the president, the provost/chief academic officer, two or three deans (in colleges with deans), and two or three department chairs. The department chairs, elected by departmental faculty, served more as representatives of the faculty than of the administration. I developed separate interview protocols for (1) presidents and provosts, (2) deans, and (3) department chairs, and used these protocols at each college. All three protocols addressed issues regarding the allocation of faculty lines; hiring, promotion, and tenure decisions; and collaboration and competition across CUNY colleges. In addition, interview questions were fine-tuned for the perspectives of the three sets of administrators. The protocol for presidents and provosts included questions on the relationship between the college and the university administration, on academic planning, and on institutional and contractual constraints. The protocol for deans included questions about academic planning and constraints, as well as questions about their relationship with the president. The protocol for department chairs included questions about the role of the department chair as liaison between faculty and administration.

In addition, I interviewed representatives of the University Faculty Senate and the Professional Staff Congress (PSC), the faculty union. I

also had contact with two former CUNY college presidents and with a few faculty members known as astute observers of university governance and politics.

Appendix B

IMPUTING SAT SCORES

by Stephen Klein, Ph.D., and Maria Orlando, Ph.D.

We estimated what the SAT scores at CUNY would be if all entering students took Part I of the SAT. This was done by calibrating the RAT and MAT scores to SAT-V and SAT-M scores, respectively, for the roughly 9000 entering students in 1997 who had FSAT and SAT scores. For example, 5 percent of the 9000 students had an RAT score of 14 or less, and 5 percent had an SAT-V score of 260 or less. We therefore said an RAT score of 14 was "equivalent" to an SAT-V of 260. Similarly, we set an RAT score of 17 equivalent to an SAT-V of 310 because 10 percent of the students had an RAT score of 17 or less and 10 percent had an SAT-V of 310 or less (see Table B.1).

We repeated the process above for every 5th percentile point to create an "equi-percentile cross-walk" between the two tests. We then used this cross-walk to construct a linear regression equation for imputing a student's SAT score from that student's corresponding FSAT score for each student who did not already have an SAT score (see Table B.1).

Finally, we ran two checks on the accuracy of the links: (1) that there was a strong linear relationship between an imputed SAT score and its corresponding FSAT score and (2) that the cross-walk and regression equation was stable. We tested the stability of the equations by randomly splitting the sample in half according to month of birth (students born on odd-numbered months in one group, on even-numbered months in the other group) and repeating the equating process separately on the two halves. The results were very similar to those obtained for the full sample. Visual inspection of the degree of

linear relationship, combined with this stability check, led us to conclude that both links (i.e., RAT to SAT-V, MAT to SAT-M) clearly passed both checks (see Figures B.1 and B.2). Thus, we have a high degree of confidence in the accuracy of the links for the limited purpose of conducting the analyses used in this report.

Table B.1

FSAT-to-SAT Cross-Walk

Percentile	RAT	SAT-V	MAT	SAT-M
5	14	260	11	280
10	17	310	14	320
15	19	330	15	340
20	21	350	17	350
25	23	360	18	370
30	24	380	20	380
35	25	390	21	400
40	27	400	22	410
45	28	410	24	420
50	29	430	25	430
55	30	440	26	450
60	31	450	27	460
65	32	460	29	470
70	34	480	30	490
75	35	490	31	500
80	36	510	33	520
85	37	530	34	550
90	39	560	35	580
95	40	600	37	620

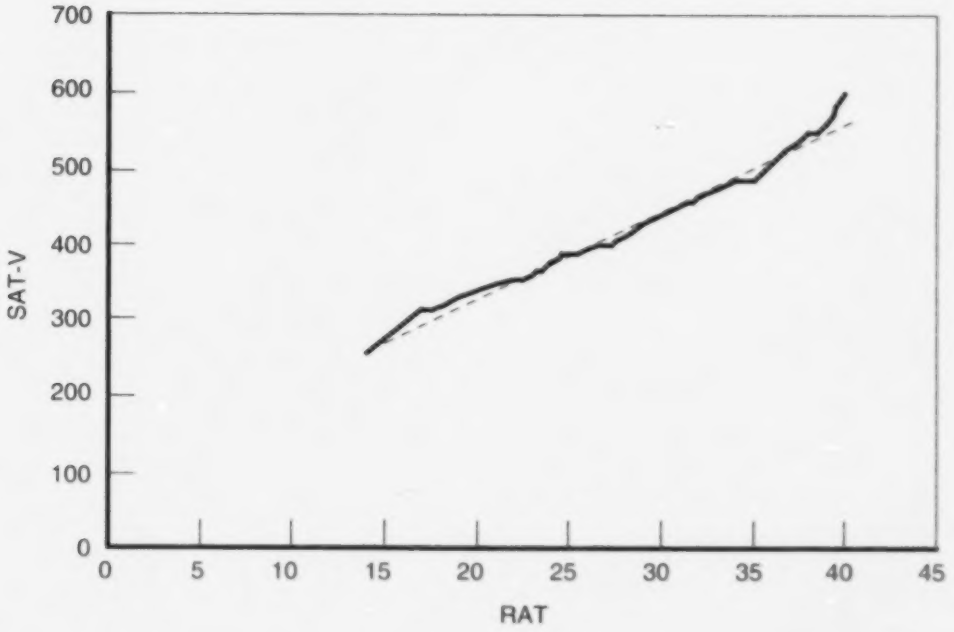

Figure B.1—Relationship Between RAT Total Score and SAT-V

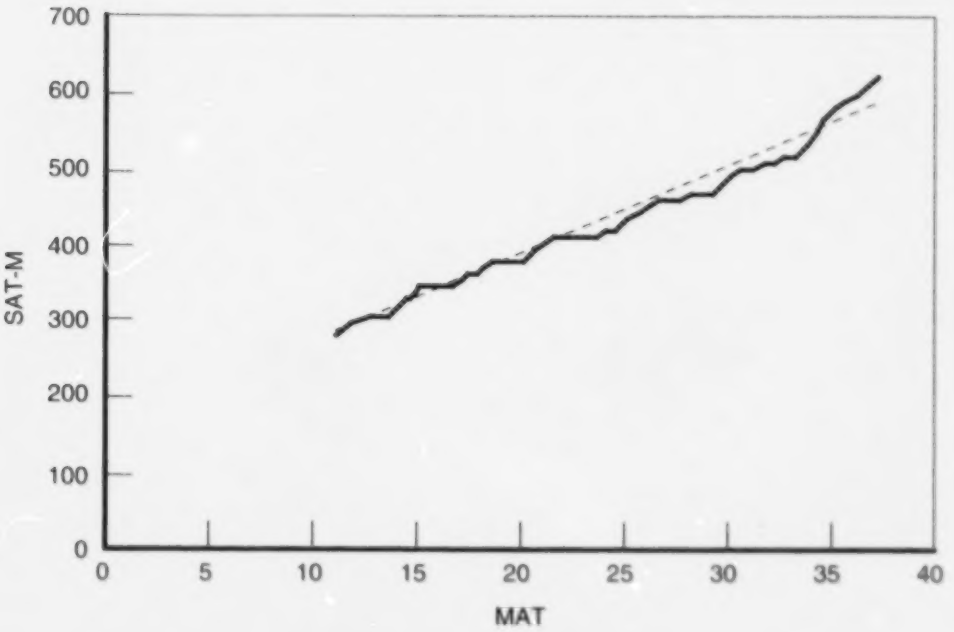

Figure B.2—Relationship Between MAT Total Score and SAT-M

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76